

EXHIBIT P

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Raj Abhyanker

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

12 NEXTDOOR.COM, INC., a Delaware
corporation,

13 Plaintiff,

14 vs.

15 RAJ ABHYANKER, an individual,

16 Defendant.

17 RAJ ABHYANKER, an individual

18 Counterclaimant,

19 vs.

20
21 NEXTDOOR.COM, INC., a
Delaware corporation; PRAKASH
JANAKIRAMAN, an individual;
22 BENCHMARK CAPITAL
PARTNERS, L.P., a Delaware limited
23 partnership; BENCHMARK CAPITAL
MANAGEMENT CO. LLC, a Delaware
24 limited liability company; SANDEEP
SOOD, an individual; MONSOON
25 ENTERPRISES, INC., a California
corporation, and DOES 1-50, inclusive;

26 Counterdefendants.
27
28

Case No. 3:12-cv-05667-EMC

**DEFENDANT AND
COUNTERCLAIMANT RAJ
ABHYANKER'S RESPONSE TO
NEXTDOOR.COM'S FIRST SET OF
REQUESTS FOR ADMISSION (NOS. 1-
190)**

1 trademark on that website, although he believes he first used it on the Eatbid website after
2 October 26, 2011. Other than this, Mr. Abhyanker does not have any additional information
3 responsive to this request.”

4 **RESPONSE TO REQUEST NO. 3:**

5 Abhyanker objects to this Request to the extent it states that Abhyanker previously made
6 any claim as to the statements in the October 8, 2013 letter from his counsel to Jennifer Kelly in
7 this action.

8 Subject to and without waving the foregoing General and Specific Objections, Abhyanker
9 responds as follows: Admitted that the statements in Request No. 3 reflect Abhyanker’s belief and
10 his understanding of the facts.

11 **REQUEST NO. 4:**

12 Admit that you claim the following statements from the October 8, 2013 letter from
13 your counsel to Jennifer Kelly in this action are accurate: “In addition, Request No. 1 asks Mr.
14 Abhyanker to identify any documents showing that use. Obviously, the actual maps and actual
15 eDirectree website as it existed prior to October 26, 2011 would be documents showing such use.
16 However, these documents are not in the possession, custody, or control of Mr. Abhyanker.”

17 **RESPONSE TO REQUEST NO. 4:**

18 Abhyanker objects to this Request to the extent it states that Abhyanker previously made
19 any claim as to the statements in the October 8, 2013 letter from his counsel to Jennifer Kelly in
20 this action.

21 Subject to and without waving the foregoing General and Specific Objections, Abhyanker
22 responds as follows: Admitted that the statements in Request No. 4 reflect Abhyanker’s belief
23 and his understanding of the facts. Abhyanker subsequently produced the source code for the
24 eDirectree website

25 **REQUEST NO. 5:**

26 Admit that you claim the following statements from the October 8, 2013 letter from your
27 counsel to Jennifer Kelly in this action are accurate: “After Mr. Abhyanker left Fatdoor, Fatdoor
28

1 decided to abandon and cease using the FATDOOR trademark. Fatdoor then consented to Mr.
 2 Abhyanker personally adopting and using the FATDOOR trademark. He did so in connection
 3 with the www.fatdoor.us website at least as early as April 15, 2008, which is accessible. In
 4 addition, Mr. Abhyanker also used the FATDOOR trademark on the eDirectree website. Mr.
 5 Abhyanker then also filed trademark applications in his personal name to secure his rights to the
 6 FATDOOR trademark. Mr. Abhyanker's personal use of FATDOOR precedes Nextdoor's first
 7 use of NEXTDOOR."

8 **RESPONSE TO REQUEST NO. 5:**

9 Abhyanker objects to this Request to the extent it states that Abhyanker previously made
 10 any claim as to the statements in the October 8, 2013 letter from his counsel to Jennifer Kelly in
 11 this action.

12 Subject to and without waving the foregoing General and Specific Objections, Abhyanker
 13 responds as follows: Admitted that the statements in Request No. 5 reflect Abhyanker's belief and
 14 his understanding of the facts.

15 **REQUEST NO. 6:**

16 Admit that you claim the following statement from the October 8, 2013 letter from your
 17 counsel to Jennifer Kelly in this action is accurate:

18 "In addition, Mr. Abhyanker refers Nextdoor.com to the www.fatdoor.us website, where
 19 he has used the trademark since leaving Fatdoor."

20 **RESPONSE TO REQUEST NO. 6:**

21 Abhyanker objects to this Request to the extent it states that Abhyanker previously made
 22 any claim as to the statements in the October 8, 2013 letter from his counsel to Jennifer Kelly in
 23 this action.

24 Subject to and without waving the foregoing General and Specific Objections, Abhyanker
 25 responds as follows: Admitted that Abhyanker used the FATDOOR mark on the www.fatdoor.us
 26 website after he left Fatdoor.

27 **REQUEST NO. 7:**

1 **REQUEST NO. 19:**

2 Admit that prior to October 26, 2011, you did not use the NEXTDOOR mark in 2011.

3 **RESPONSE TO REQUEST NO. 19:**

4 Abhyanker admits that he did not use the NEXTDOOR mark publicly in 2011 prior to
5 October 26, 2011, though he possessed the intent to resume his use of the mark.

6 **REQUEST NO. 20:**

7 Admit that you did not use the FATDOOR mark in 2006.

8 **RESPONSE TO REQUEST NO. 20:**

9 Denied.

10 **REQUEST NO. 21:**

11 Admit that you did not use the FATDOOR mark in 2007.

12 **RESPONSE TO REQUEST NO. 21:**

13 Denied.

14 **REQUEST NO. 22:**

15 Admit that you did not use the FATDOOR mark in 2008.

16 **RESPONSE TO REQUEST NO. 22:**

17 Denied.

18 **REQUEST NO. 23:**

19 Admit that you did not use the FATDOOR mark in 2009.

20 **RESPONSE TO REQUEST NO. 23:**

21 Denied.

22 **REQUEST NO. 24:**

23 Admit that you did not use the FATDOOR mark in 2010.

24 **RESPONSE TO REQUEST NO. 24:**

25 Abhyanker admits that he did not use the FATDOOR mark publicly in 2010, though he
26 possessed the intent to resume his use of the mark.

27 **REQUEST NO. 25:**

1 Admit that you did not use the FATDOOR mark in 2011.

2 **RESPONSE TO REQUEST NO. 25:**

3 Abhyanker admits that he did not use the FATDOOR mark publicly in 2011, though he
4 possessed the intent to resume his use of the mark.

5 **REQUEST NO. 26:**

6 Admit that prior to October 26, 2011, you did not use the FATDOOR mark in 2011.

7 **RESPONSE TO REQUEST NO. 26:**

8 Abhyanker admits that he did not use the FATDOOR mark publicly in 2011 prior to
9 October 26, 2011, though he possessed the intent to resume his use of the mark.

10 **REQUEST NO. 27:**

11 Admit that you did not use the FATDOOR GET TO KNOW YOUR NEIGHBOR mark in
12 2006.

13 **RESPONSE TO REQUEST NO. 27:**

14 Abhyanker admits that he did not use the FATDOOR GET TO KNOW YOUR
15 NEIGHBOR mark publicly in 2006. Abhyanker owns the federal registration for a logo mark for
16 FATDOOR GET TO KNOW YOUR NEIGHBORS, Registration No. 4287987. The date of first
17 use in commerce listed on the Registration is April 15, 2008.

18 **REQUEST NO. 28:**

19 Admit that you did not use the FATDOOR GET TO KNOW YOUR NEIGHBOR mark in
20 2007.

21 **RESPONSE TO REQUEST NO. 28:**

22 Abhyanker admits that he did not use the FATDOOR GET TO KNOW YOUR
23 NEIGHBOR mark publicly in 2007. Abhyanker owns the federal registration for a logo mark for
24 FATDOOR GET TO KNOW YOUR NEIGHBORS, Registration No. 4287987. The date of first
25 use in commerce listed on the Registration is April 15, 2008.

26 **REQUEST NO. 29:**

1 Admit that you did not use the FATDOOR GET TO KNOW YOUR NEIGHBOR mark in
2 2008.

3 **RESPONSE TO REQUEST NO. 29:**

4 Denied.

5 **REQUEST NO. 30:**

6 Admit that you did not use the FATDOOR GET TO KNOW YOUR NEIGHBOR mark in
7 2009.

8 **RESPONSE TO REQUEST NO. 30:**

9 Denied.

10 **REQUEST NO. 31:**

11 Admit that you did not use the FATDOOR GET TO KNOW YOUR NEIGHBOR mark in
12 2010.

13 **RESPONSE TO REQUEST NO. 31:**

14 Abhyanker admits that he did not use the FATDOOR GET TO KNOW YOUR
15 NEIGHBOR mark publicly in 2010, though he possessed the intent to resume his use of the mark.

16 **REQUEST NO. 32:**

17 Admit that you did not use the FATDOOR GET TO KNOW YOUR NEIGHBOR mark in
18 2011.

19 **RESPONSE TO REQUEST NO. 32:**

20 Abhyanker admits that he did not use the FATDOOR GET TO KNOW YOUR
21 NEIGHBOR mark publicly in 2011, though he possessed the intent to resume his use of the mark.

22 **REQUEST NO. 33:**

23 Admit that prior to October 26, 2011, you did not use the FATDOOR GET TO KNOW
24 YOUR NEIGHBOR mark in 2011.

25 **RESPONSE TO REQUEST NO. 33:**

26 Admitted.

27 **REQUEST NO. 34:**

1 Admit that you did not offer an online social network in 2008 in connection with the
2 NEXTDOOR mark.

3 **RESPONSE TO REQUEST NO. 34:**

4 Denied.

5 **REQUEST NO. 35:**

6 Admit that you did not offer an online social network in 2009 in connection with the
7 NEXTDOOR mark.

8 **RESPONSE TO REQUEST NO. 35:**

9 Denied.

10 **REQUEST NO. 36:**

11 Admit that you did not offer an online social network in 2010 in connection with the
12 NEXTDOOR mark.

13 **RESPONSE TO REQUEST NO. 36:**

14 Abhyanker admits that he did not offer an online social network in 2010 in connection
15 with the NEXTDOOR mark, though he possessed the intent to offer an online social network in
16 connection with the NEXTDOOR mark.

17 **REQUEST NO. 37:**

18 Admit that you did not offer an online social network in 2011 in connection with the
19 NEXTDOOR mark.

20 **RESPONSE TO REQUEST NO. 37:**

21 Abhyanker is unable to recall whether he offered an online social network in December of
22 2001 in connection with the NEXTDOOR mark, and on that basis, denies this request.

23 **REQUEST NO. 38:**

24 Admit that prior to October 26, 2011, you did not offer an online social network in 2011
25 in connection with the NEXTDOOR mark.

26 **RESPONSE TO REQUEST NO. 38:**

1 Admit that you did not offer an online social network in 2010 in connection with the
2 FATDOOR mark.

3 **RESPONSE TO REQUEST NO. 43:**

4 Abhyanker admits that he did not offer an online social network in 2010 in connection
5 with the FATDOOR mark, though he possessed the intent to offer an online social network in
6 connection with the FATDOOR mark.

7 **REQUEST NO. 44:**

8 Admit that you did not offer an online social network in 2011 in connection with the
9 FATDOOR mark.

10 **RESPONSE TO REQUEST NO. 44:**

11 Abhyanker admits that he did not offer an online social network in 2011 in connection
12 with the FATDOOR mark, though he possessed the intent to offer an online social network in
13 connection with the FATDOOR mark.

14 **REQUEST NO. 45:**

15 Admit that prior to October 26, 2011, you did not offer an online social network in 2011
16 in connection with the FATDOOR mark.

17 **RESPONSE TO REQUEST NO. 45:**

18 Abhyanker admits that he did not offer an online social network in 2011 prior to October
19 26, 2011 in connection with the FATDOOR mark, though he possessed the intent to offer an
20 online social network in connection with the FATDOOR mark.

21 **REQUEST NO. 46:**

22 Admit that your neighborhood walking maps were publicly accessible only on paper.

23 **RESPONSE TO REQUEST NO. 46:**

24 Admitted.

25 **REQUEST NO. 47:**

26 Admit that your neighborhood walking maps were not publicly accessible in an electronic
27 format.

1 **REQUEST NO. 190:**

2 Admit that files necessary to reproduce the depiction of the www.edirecttree.com website
3 that was filed as Exhibit D to your Supplemental Statement (Dkt. 141) are not included in the
4 www.edirecttree.com website files (Bates No. RA389).

5 **RESPONSE TO REQUEST NO. 190:**

6 Denied.

9 Dated: February 27, 2014

Respectfully submitted,
LEGALFORCE RAJ ABHYANKER, P.C.

11 /s/ Heather R. Norton

12 Bruno W. Tarabichi
13 Heather R. Norton
14 Attorneys for Defendant
Raj Abhyanker


27 **CERTIFICATE OF SERVICE**

1 I hereby certify that on February 27, 2014, a true and correct copy of the foregoing RAJ
2 ABHYANKER'S FIRST SET OF REQUESTS FOR ADMISSION TO
3 COUNTERDEFENDANTS BENCHMARK CAPITAL PARTNERS, L.P. AND BENCHMARK
4 CAPITAL MANAGEMENT CO. LLC was sent by first class mail to counsel listed below:

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